

## REGISTER OF ACTIONS

CASE No. D-1010-CV-2016-00073

HI Lubbock, Inc. v. Century-National Insurance Company

§  
§  
§  
§  
§Case Type: **Contract/Debt & Money Due**  
Date Filed: **07/13/2016**  
Location: **Quay County**  
Judicial Officer: **Mitchell, Albert J., Jr.**

## PARTY INFORMATION

Defendant **Century-National Insurance Company**

## Attorneys

Plaintiff **HI Lubbock, Inc.****Richard F. Rowley, II**  
*Retained*  
575-763-4457(W)

## EVENTS &amp; ORDERS OF THE COURT

## OTHER EVENTS AND HEARINGS

07/13/2016	<b>Cause Of Actions</b>	Breach of Contract
	Action Type	Action
07/13/2016	<b>Cause Of Actions</b>	Debt and Money Due
	Action Type	Action
07/13/2016	<b>OPN: COMPLAINT</b>	<i>Complaint for Breach of Contract and Money Due</i>
07/14/2016	<b>Summons</b>	Century-National Insurance Company
08/01/2016	<b>AFFIDAVIT OF MAILING</b>	<i>Proof of Mailing</i>

## FINANCIAL INFORMATION

<b>Plaintiff HI Lubbock, Inc.</b>		
Total Financial Assessment		117.00
Total Payments and Credits		117.00
<b>Balance Due as of 08/17/2016</b>		<b>0.00</b>
07/13/2016	Transaction Assessment	117.00
07/13/2016	File & Serve Payment	Receipt # TUCD-2016-362
		HI Lubbock, Inc.
		(117.00)

## EXHIBIT A

**SUMMONS**

District Court: Tenth Judicial District Quay County, New Mexico Court Address: 300 S. 3 <sup>rd</sup> Street Tucumcari, New Mexico 88401  Court Telephone No. 575-461-2764	Case No. D-1010-CV-2016-00073  Judge: Albert J. Mitchell, Jr.
HI LUBBOCK, INC., a New Mexico Corporation, formerly Ram Kabir, Inc., a New Mexico Corporation d/b/a Hampton Inn,  Plaintiff,  v.  CENTURY-NATIONAL INSURANCE COMPANY, a California Corporation,  Defendant.	<b>DEFENDANT:</b>  <i>Century-National Insurance Company 16650 Sherman Way Van Nuys, California 91406-3782</i>

**TO THE ABOVE NAMED DEFENDANT(S): Take notice that**

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons.

*(The date you are considered served with the Summons is determined by Rule 1-004 NMRA.) The Court's address is listed above.*

JUL 21 2016

**EXHIBIT A**

3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Clovis, New Mexico, this 14<sup>th</sup> day of July, 2016.



CLERK OF THE DISTRICT COURT  
By: Terry Jasper  
Deputy

Attorneys for Plaintiff or Plaintiff Pro Se:

Richard F. Rowley II  
Attorney at Law  
Rowley Law Firm, LLC  
Post Office Box 790  
305 Pile  
Clovis, New Mexico 88102-0790  
Telephone: 575-763-4457  
E-mail: [r2@rowleylawfirm.com](mailto:r2@rowleylawfirm.com)

**THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 NMRA OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.**

STATE OF NEW MEXICO )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy of this summons, with a copy of Complaint attached, in the following manner:

*(check on box and fill in appropriate blanks)*

[ ] to the defendant \_\_\_\_\_ (used when Defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint).

[ ] to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

*After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:*

[ ] to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (used when defendant is not presently at place of abode) and by mailing first class mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address) a copy of the summons and complaint

[ ] to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing first class mail to the defendant (insert defendant's business address) at \_\_\_\_\_ and by mailing the summons and complaint by first class mail to the defendant at (insert defendant's last known mailing address).

[ ] to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

[ ] to \_\_\_\_\_, [parent] [guardian] [custodian] [guardian ad litem] of defendant \_\_\_\_\_ (insert when defendant is a minor or an incompetent person).

[ ] to \_\_\_\_\_ (name of person) \_\_\_\_\_ (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico, or any political subdivision).

Fees: \_\_\_\_\_

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*Signature of person making service*

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*Title (if any)*

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

---

***Judge, notary or other officer  
authorized to administer oaths***

---

*Official title*

JUL 21 2016

**EXHIBIT A**

FILED IN MY OFFICE  
DISTRICT COURT CLERK  
7/13/2016 1:34:34 PM  
Perfy Jasper

STATE OF NEW MEXICO  
COUNTY OF QUAY  
TENTH JUDICIAL DISTRICT

HI LUBBOCK, INC., a New Mexico Corporation,  
formerly Ram Kabir, Inc., a New Mexico Corporation,  
d/b/a Hampton Inn,

Plaintiff,  
v.  
No. D-1010-CV-2016-00073  
CENTURY-NATIONAL INSURANCE COMPANY,  
a California Corporation,  
Defendant.

---

**COMPLAINT FOR BREACH OF CONTRACT AND MONEY DUE**

COMES NOW the Plaintiff, HI Lubbock, Inc., a New Mexico Corporation,  
formerly Ram Kabir, Inc., a New Mexico Corporation, and for its Complaint for Money  
Due states and alleges as follows:

1. Plaintiff, HI Lubbock, Inc. is a New Mexico Corporation, with its principal  
office located in Tucumcari, Quay County, New Mexico and transacts business as  
Hampton Inn. Plaintiff's corporate name was formerly Ram Kabir, Inc., a New Mexico  
Corporation, however, the Articles of Incorporation were amended and filed with the  
New Mexico Secretary of State on December 24, 2014. A copy of the Certificate of  
Amendment is marked Exhibit "A", attached hereto and made a part hereof by  
reference.

2. Defendant, Century-National Insurance Company, is a company selling commercial insurance products in the State of New Mexico, with its corporate offices located in Van Nuys, California.

3. On or about February 1, 2014 the Defendant entered into a Commercial Package Policy contract insuring the Plaintiff's hotel known as the Hampton Inn located at 3409 E. Tucumcari Blvd. in Tucumcari, New Mexico. The policy number was 77A2001964-00 and the policy period of coverage was February 1, 2014 to February 1, 2015. In addition to covering fire and extended coverage, the policy included Business Income Coverage.

4. The Plaintiff's Hampton Inn located in Tucumcari, New Mexico was destroyed by fire on July 16, 2014.

5. Plaintiff timely filed a claim against Defendant for its loss pursuant to the aforementioned policy. The Defendant issued its Claim No. 2014-0664-77A and since that date the Plaintiff and Defendant have attempted to negotiate a settlement of Plaintiff's loss and resulting claim under the policy with limited success.

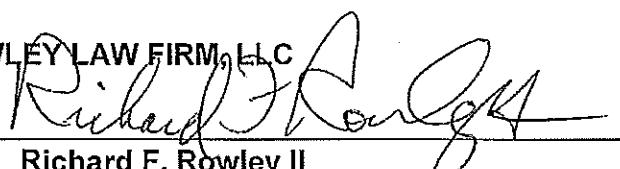
6. Plaintiff and Defendant have not been able to resolve all of Plaintiff's claims, including the amount Plaintiff should be paid by Defendant under the Business Income Coverage provisions of the policy.

7. Plaintiff believes that it is entitled to and should be paid an amount substantially in excess of the amount currently offered by the Defendant.

8. Defendant's failure to pay the damages called for in the policy in force is a breach of the insurance contract by the Defendant.

9. Defendant is also entitled to an award of money for reasonable attorney fees incurred by it in the prosecution of this matter.

**WHEREFORE**, Plaintiff, HI Lubbock, Inc., a New Mexico Corporation, formerly Ram Kabir, Inc., a New Mexico Corporation, d/b/a Hampton Inn, prays that the Court determine the amounts that Plaintiff should be paid by Defendant, Century - National Insurance Company, under the provisions of the aforementioned insurance policy, for its costs and attorney fees and for such other relief as the Court deems proper.

ROWLEY LAW FIRM, LLC  
By:   
Richard F. Rowley II  
Post Office Box 790  
305 Pile  
Clovis, New Mexico 88102-0790  
Telephone: 575-763-4457  
E-mail: [r2@rowleylawfirm.com](mailto:r2@rowleylawfirm.com)



STATE OF NEW MEXICO  
**DIANNA J. DURAN**  
SECRETARY OF STATE

**January 9, 2015**

RAM KABIR, INC.  
P.O. BOX 1045  
TUCUMCARI NM 88401

**RE: HI LUBBOCK, INC.**

Entity ID: 1589514

The Office of the Secretary of State has approved and filed the Articles Of Amendment for the above captioned corporation effective December 24, 2014. The enclosed CERTIFICATE OF AMENDMENT is evidence of filing, and should become a permanent document of the corporations records.

The referenced approval does not constitute authorization for the above referenced organization to transact any business which requires compliance with other applicable federal or state laws, including, but not limited to, state licensing requirements. It is the organizations's sole responsibility to obtain such compliance with all legal requirements applicable thereto prior to engaging in the business for which it has obtained approval of the referenced document.

Your canceled check, as validated by this office, is your receipt. If you have any questions please contact the Corporations Bureau at (505) 827-4508 or toll free at 1-800-477-3632 for assistance.

Corporations Bureau

---

325 DON GASPAR, SUITE 300, SANTA FE, NEW MEXICO 87501 PHONE: (505) 827-4508 FAX: (505) 827-4387

(800) 477-3632 [www.sos.state.nm.us](http://www.sos.state.nm.us)



**EXHIBIT A 21 2016**

# OFFICE OF THE SECRETARY OF STATE

## NEW MEXICO

### *CERTIFICATE OF AMENDMENT*

OF

**HI LUBBOCK, INC.**  
**1589514**  
NEW MEXICO

The Office of the Secretary of State certifies that the Articles Of Amendment, duly signed and verified pursuant to the provisions of the

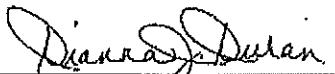
**Business Corporation Act**

**(53-11-1 To 53-18-12 NMSA 1978)**

have been received and are found to conform to law. Accordingly, by virtue of the authority vested in it by law, the Office of the Secretary of State issues this CERTIFICATE OF AMENDMENT and attaches hereto a duplicate of the Articles Of Amendment.

Dated: **December 24, 2014**

**In testimony whereof, the Office of the Secretary of State has caused this certificate to be signed on this day in the city of Santa Fe, and the seal of said office to be affixed hereto.**



**Dianna J. Duran**  
Secretary of State



**EXHIBIT A**

**JUL 21 2016**

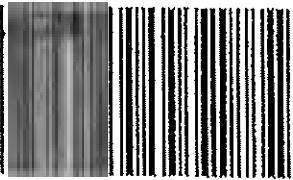


New Mexico  
Secretary of State

328 Don Gaspar, Suite 300 • Santa Fe, NM 87501  
(800) 477-3832 • [www.sos.state.nm.us](http://www.sos.state.nm.us)

FILED  
SOS  
Corporation Bureau

DEC 2



SUBMIT ORIGINAL AND A COPY  
TYPE OR PRINT LEGIBLY

Profit Corporation  
ARTICLES OF AMENDMENT  
TO THE ARTICLES OF INCORPORATION

Pursuant to the provisions of the New Mexico Business Corporation Act, the undersigned corporation adopts the following Articles of Amendment for the purpose of amending its Articles of Incorporation:

**ARTICLE ONE:** The name of the corporation is (Include NM CORP#)  
Ram Kabir, Inc. SCG #1589514

**ARTICLE TWO:** The following articles are amended as set forth here: (Identify by article number and attach additional pages if necessary):

Article 1. The name of the Corporation is HI Lubbock, Inc.

**ARTICLE THREE:** (Select the applicable statement, and complete accordingly)  
1,000 No shares have been issued, and the amendment was adopted by a resolution of the board of directors. The date the amendment was adopted was December 1, 2014.

OR

1,000 Shares have been issued, and the amendment was adopted by a majority vote of the shareholders entitled to vote.

The number of shares issued at the time of such adoption was  
1,000

The number of shares entitled to vote was  
1,000

The number of shares that voted for the amendment was  
1,000

The number of shares that voted against the amendment was  
None

The date the amendment was adopted was  
December 1, 2014

**ARTICLE FOUR** (Complete only if applicable): The manner in which any exchange, reclassification, or cancellation of issued shares provided for in the amendment shall be effected is as follows: N/A

REC'D  
Corporation Bureau  
DEC 24 2014



New Mexico  
**Secretary of State**

325 Don Gaspar, Suite 300 • Santa Fe, NM 87501  
(800) 477-8032 • [www.sos.state.nm.us](http://www.sos.state.nm.us)

FILED  
SOS  
Corporation Bureau

DEC 24 2014

**ARTICLE FIVE:** If these Articles of Amendment are not to be effective upon filing with the Secretary of State, the effective date is: January 1, 2015  
(If an effective date is specified here, it cannot be a date prior to the date the articles are received by the commission) N/A

Dated: 12-1-14

Ram Kabir, Inc.

Name of Corporation

By

Signature of Authorized Officer

Form DPR-AM  
(revised 6/13)

RECEIVED  
Corporation Bureau DEC 24 2014

**EXHIBIT A**

JUL 21 2016

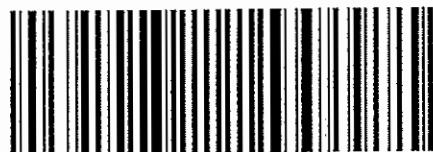


ROWLEY LAW FIRM, LLC

PO Box 790  
Clovis, NM 88102-0790

PLACE STICKER AT TOP OF ENVELOPE TO THE HIGH  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

**CERTIFIED MAIL®**



7015 1660 0001 0198 8850



1000



91406

U.S. POSTAGE  
PAID  
CLOVIS, NM  
88101  
JUL 14, 16  
AMOUNT

**\$6.89**

R2304W120382-05

JUL 21 2016

Century-National Insurance Company  
16650 Sherman Way  
Van Nuys, California 91406-3782

**RETURN RECEIPT  
REQUESTED**

914063782 0026

**EXHIBIT A**

STATE OF NEW MEXICO  
COUNTY OF QUAY  
TENTH JUDICIAL DISTRICT

Barbara Lopez

HI LUBBOCK, INC., a New Mexico  
Corporation, formerly Ram Kabir, Inc.,  
a New Mexico Corporation d/b/a  
Hampton Inn,

Plaintiff,

v.

No. D-1010-CV-2016-00073

CENTURY - NATIONAL INSURANCE  
COMPANY, a California Corporation,

Defendant.

---

PROOF OF MAILING

STATE OF NEW MEXICO

COUNTY OF CURRY: ss

COMES NOW the Plaintiff, Hi Lubbock, Inc., a New Mexico Corporation, formerly Ram Kabir, Inc., a New Mexico Corporation, d/b/a Hampton Inn, by and through its attorney of record, and certifies that a copy of the Summons and Complaint for Breach of Contract and Money Due filed in this matter was received by the Defendant listed below, as evidenced by the Return Receipt Card attached hereto:

Century - National Insurance Company  
Received on July 18, 2016

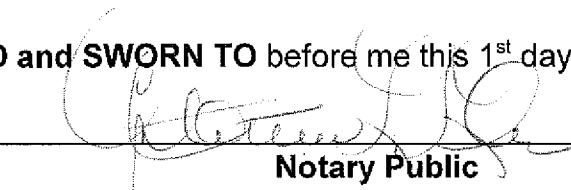
ROWLEY LAW FIRM, LLC

By: Richard F. Rowley II

Richard F. Rowley II  
Post Office Box 790  
305 Pile  
Clovis, New Mexico 88102-0790  
Telephone: 575-763-4457  
E-mail: [r2@rowleylawfirm.com](mailto:r2@rowleylawfirm.com)

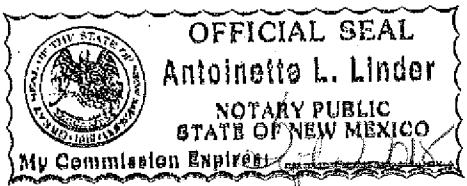
EXHIBIT A

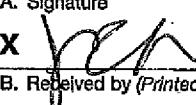
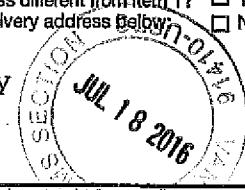
**SUBSCRIBED and SWORN TO before me this 1<sup>st</sup> day of August, 2016.**

  
**Notary Public**

**( S E A L )**

**My Commission Expires:** \_\_\_\_\_



<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p><i>RE</i></p> <p>A. Signature </p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: </p> <p>7/18/2016</p> <p>3. Service Type</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery  <input type="checkbox"/> All Restricted Delivery</p>	
<p>1. Article Addressed to:</p> <p>Century National Insurance Company 16650 Sherman Way Van Nuys, California 91406-3782</p> <p> 9590 9403 0414 5163 0493 81</p>		<p>PS Form 3811, April 2015 PSN 7530-02-000-9053</p> <p>Domestic Return Receipt</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7015 1660 0001 0198 8850</p>			

ATTORNEYS

Jay J. Athey  
Paul R. Bishop  
Neil R. Blake  
Felicia C. Boyd  
Phillip W. Cheves  
Michael P. Clemens  
Maria S. Dudley  
Brett C. Eaton  
Jonathan A. Elms  
Monica R. Garcia  
Alfred L. Green, Jr.  
Amy E. Headrick  
James H. Johansen  
Charles B. Kraft  
Jane A. Laflin  
Neysa E. Lujan  
W. Ann Maggiore  
M. Scott Owen  
Agnes Fuentevilla Padilla  
S. Carolyn Ramos  
Julio C. Romero  
Rheba Rutkowsky  
Quiiana A. Salazar-King  
Ryan T. Sanders  
Rodney L. Schlagel  
Raúl P. Sedillo  
Marc T. Shuter  
Scott F. Stromberg  
Arslan S. Umarov

OF COUNSEL

Raymond A. Baehr  
Rob T. Booms  
Martin Diamond  
Sherrill K. Filter  
Norman L. Gagne  
Glenna Hayes  
Carlos G. Martinez  
J. Duke Thornton  
David N. Whitham

Paul L. Butt  
(1930-2009)

Member of  
ALFA   
THE GLOBAL LEGAL NETWORK



BUTT THORNTON & BAEHR PC  
ATTORNEYS AT LAW

Established 1959

August 15, 2016

REFER TO: 58901.0003

Via Email to: r2@rowleylawfirm.com

Richard F. Rowley II, Esq.  
Rowley Law Firm LLC  
P.O. Box 790, 305 Pile  
Clovis, NM 88102-0790  
(575) 763-4457  
r2@rowleylawfirm.com

Re: *HI Lubbock, Inc. v. Century-National Insurance Company*,  
Cause No. D-1010-CV-2016-00073

Dear Richard:

I have been asked by Century-National Insurance Company to represent if in the above-referenced lawsuit. We are contemplating filing a Notice of Removal of this case to the United States District Court for the District of New Mexico, but I want to make certain there is a sufficient amount in controversy to meet diversity jurisdiction requirements.

There is no amount stated in the Complaint. Also, I have not reviewed any specific settlement demand made to Century-National, but my client recalls that your client's demand was well over \$100,000.

If your clients have reconsidered their settlement demands and are seeking an amount less than \$75,000, this case would not be removable to the United States District Court for the District of New Mexico. Thus, I have enclosed a copy of a Stipulation, whereby your two clients would stipulate that they will not seek and will not accept an amount exceeding \$75,000 in this lawsuit.

If we receive this signed Stipulation by August 17, 2016, we will not file a Notice of Removal to the United States District Court for the District of New Mexico.

EXHIBIT B

MAILING ADDRESS: P.O. Box 3170, Albuquerque, New Mexico 87190-3170  
STREET ADDRESS: 4101 Indian School Road, NE, Suite 300 South, Albuquerque, New Mexico 87110  
PHONE: 505.884.0777 FAX: 505.889.8870 EMAIL: [btblaw@btblaw.com](mailto:btblaw@btblaw.com) WEB: [btblaw.com](http://btblaw.com)



Richard F. Rowley II, Esq.  
August 15, 2016  
Page 2

Thank you for your attention to this matter and I look forward to working with you in this case.

Sincerely yours,

BUTT THORNTON & BAEHR  
A Professional Corporation

By   
James H. Johansen

JHJ  
Enclosure

cc: Jay J. Athey

**EXHIBIT B**

**STATE OF NEW MEXICO  
COUNTY OF QUAY  
TENTH JUDICIAL DISTRICT**

HI LUBBOCK, INC., a New Mexico Corporation  
formerly Ram Kabir, Inc., a New Mexico Corporation,  
d/b/a Hampton Inn,

Plaintiff,

v.

No. D-1010-CV-2016-00073

CENTURY-NATIONAL INSURANCE COMPANY,  
a California Corporation,

Defendant.

**STIPULATION OF FACT**

COMES NOW, Plaintiff, HI Lubbock, Inc., a New Mexico Corporation, f/k/a Ram Kabir, Inc. d/b/a Hampton Inn, and for its claims in the above-referenced action, and its counsel of record, Richard F. Rowley II, and hereby stipulates to the following as a clarification to the relief sought in Plaintiff's Complaint.

Plaintiff, HI Lubbock, Inc., will not demand or accept a total recovery or verdict in excess of \$75,000.00, including compensatory damages, punitive damages, and attorney fees, for all damages associated with the facts and claims identified in Plaintiff's Complaint for Breach of Contract and Money Due.

---

For Plaintiff, HI Lubbock, Inc.

By \_\_\_\_\_

Its \_\_\_\_\_

**EXHIBIT B**

---

Richard F. Rowley II, Esq.  
Rowley Law Firm LLC  
P.O. Box 790  
305 Pile  
Clovis, NM 88102-0790  
(575) 763-4457  
[r2@rowleylawfirm.com](mailto:r2@rowleylawfirm.com)  
*Attorney for Plaintiff HI Lubbock, Inc.*

## **EXHIBIT B**